

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WILLIAM FRANKLIN LAFFOON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-22-446-D
)	
CARRIE BRIDGES, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER OF DISMISSAL

This matter comes before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Mitchell recommends that Plaintiff’s Motion to Dismiss Civil Action [Doc. No. 15] be construed as a notice of voluntary dismissal under Fed. R. Civ. P. 41(a)(1).

The case file shows no timely objection or request for an extension of time, even though Plaintiff was expressly informed of his right to object, the procedure for doing so, and the firm waiver rule. Therefore, the Court finds that Plaintiff has waived further review of the issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996).

Further, for the reasons stated by Judge Mitchell, the Court finds that this action should be dismissed. At this early stage of the case, Plaintiff may voluntarily dismiss his action by simply filing a notice of dismissal. *See* Fed. R. Civ. P. 41(a)(1)(A)(i). When a plaintiff files a Rule 41(a)(1) notice of dismissal, the filing “is self-executing,” *De Leon v.*

Marcos, 659 F.3d 1276, 1283 (10th Cir. 2011), and “no action is required on the part of the court.” *See Janssen v. Harris*, 321 F.3d 998, 1000 (10th Cir. 2003); *see also Netwig v. Ga. Pac. Corp.*, 375 F.3d 1009, 1010 (10th Cir. 2004). Liberally construing Plaintiff’s Motion as a notice of voluntary dismissal, the Court finds that Plaintiff should be allowed to dismiss his § 1983 action and a dismissal without prejudice should be ordered.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 16] is **ADOPTED** and Plaintiff’s Motion to Dismiss Civil Action [Doc. No. 15] is **GRANTED**. Plaintiff’s action is voluntarily **DISMISSED WITHOUT PREJUDICE** to refiling. Because no action of the Court is needed to accomplish the dismissal, the entry of a separate judgment is not needed.

IT IS SO ORDERED this 26th day of August, 2022.



TIMOTHY D. DeGIUSTI
Chief United States District Judge